

Order

Michigan Supreme Court
Lansing, Michigan

January 27, 2012

Robert P. Young, Jr.,
Chief Justice

143469

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

CHRISTOPHER BLAYNE KIYOSHK,
Defendant-Appellee.

SC: 143469
COA: 295552
Kalamazoo CC: 06-001463-FJ

On order of the Court, the application for leave to appeal the June 2, 2011 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.302(H)(1). At oral argument, the parties shall address whether the defendant waived family court jurisdiction by pleading guilty to a specified juvenile violation under MCL 712A.2(a)(1). The parties may file supplemental briefs within 42 days of the date of this order, but they should not submit mere restatements of their application papers.

MARILYN KELLY, J.

I would explicitly direct the parties to brief the issue of whether the alleged jurisdictional defect in this matter involves a question of subject-matter jurisdiction or personal jurisdiction. Whether it is even *possible* for a defendant to waive family court jurisdiction depends on how this question is answered. Hence, we cannot reach the issue specified in today's order—whether the defendant in this case *did in fact* waive family court jurisdiction—until this threshold question is answered.

Unfortunately, today's order appears to simply presume that defendant could have waived family court jurisdiction. Because I would not make such a presumption, I would direct the parties to brief this issue.



h0124

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 27, 2012

Corbin R. Davis

Clerk